

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JANE DOE 1, et al.,

Plaintiffs,

v.

BAYLOR UNIVERSITY,

Defendant.

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Civil Action No. 6:16-CV-00173-RP

**Consolidated with
6:17-CV-228-RP
6:17-CV-236-RP**

BAYLOR UNIVERSITY'S ADVISORY TO THE COURT

Pursuant to the Court's June 21, 2019 Order (Dkt. 667) and the Court's Text Order of July 31, 2019, the parties filed a Joint Advisory informing the Court that Baylor will "certify that it has completed production of all pre-June 15, 2016 non-privileged Pepper Hamilton material and accompanying privilege logs in Baylor's possession by October 16, 2019." Dkt. 701. Accordingly, Baylor hereby certifies, pursuant to the Court's Orders and Baylor's obligations under Federal Rule of Civil Procedure 26(g)(1)(A), that to the best of the undersigned's knowledge, information, and belief formed after a reasonable and good faith inquiry and due diligence, the production of all pre-June 15, 2016 non-privileged Pepper Hamilton material and accompanying privilege logs in Baylor's possession is complete. In making this certification, Baylor notes that UnitedLex, the third-party vendor selected by the parties as ordered by the Court pursuant to Dkt. 667, is still processing the Pepper Hamilton material that was in that law firm's files and that those materials have not been produced to Baylor at this time.

Baylor also confirms that, in accordance with the Stipulated Order Regarding Discovery of Electronically Stored Information ("ESP") (Dkt. 176) and this Court's October 30, 2017 Order (Dkt.

222), Baylor has collected and searched ESI for the following custodians for the time period between January 1, 2003 and June 15, 2016:

Lyons, Gabrielle	Cooper, Trenia	Childers, Mark
Trevathan, Edwin	Knowles, Kandy	Clements, Randy
Holgersson, Migdalia	Wigtil, Brad	Garner, Brian
Ivy, Becky	Genous, Lori	Gochis, Cheryl
Dorrell-Ritter, Sarah	McGregor, F.B. (Bob)	Hogue, Tiffany
McCraw, Bethany	Tucker, Kristan	Jarvis, Jennifer
Ramsower, Reagan	Whelan, John	Jobson, Marci
Doak, Jim	Jarrell, Sarah	Jobson, Paul
Crawford, Patty	Briles, Art	Kazadi, Kaz
Murdock, David	Briles, Kendal	Lebby, Jeff
Davis, Tommye Lou	Holmes, Chris	Leeper, Karla
Counseller, Jeremy	Nicholson, Brian	MacLemore, Don
Fogleman, Lori	Shillinglaw, Colin	McPherson, Sarah
McCaw, Ian	Deats, Shelley	McRary, Ian
Jackson, Kevin	Priest, Pattilin	Miller, Keith
Starr, Ken	Splane, Sonya	Patulski, Todd
Toben, Brad	Wall, Cynthia	Post, Nancy
Noble, Michael	Beckenhauer, Charlie	Rogers, Mike
Scott, Martha Lou	Bennett, Phil	Torres-Smith, Katherine
Garland, David	Blount, Norris	Walls, Candice
Jackson, Chad	Bradshaw, Paul	Walter, Janelle
Alejandro, Juan	Cano, Elisabeth	Yeary, Wes

Baylor has conducted a good faith review of the documents collected from these custodians using the agreed-upon and Court-ordered search terms for the pre-June 15, 2016 time period and has completed production and/or logging of all documents responsive to Plaintiffs' requests for production that were not the subject of the parties' dispute that was recently resolved by court order on October 11, 2019 (Dkt. 715) and by agreement of the parties (*see* Agreements at Dkt. 702-1).¹ Baylor has begun the process of collecting additional documents pursuant to Docket 702 and Docket 715.

¹ Baylor has not produced eight emails involving former Baylor president Ken Starr who has asserted privilege over the emails and whose counsel has prepared a privilege log for these items. Baylor is prepared to produce these documents upon agreement by Plaintiffs' counsel and Starr's counsel or upon the Court's resolution of any dispute over these items.

Baylor has also begun collecting ESI related to Jane Does 11-15 and their alleged assailants that was not within the scope of discovery prior to consolidation of those cases with *Jane Does 1-10*. The parties are currently negotiating and agreeing upon the search terms and custodians applicable to the claims of Jane Does 11-15 and the post-June 15, 2016 discovery period. *See* Dkt. 645.

Baylor will continue to produce documents outside the ESI process consistent with its ongoing obligations under the Federal Rules of Civil Procedure.

Respectfully submitted,

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COUNSEL FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was served upon all counsel of record on October 16, 2019, via the Court's ECF/CMF electronic service system as follows:

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